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FEB 25 2011

OFFICE OF PETITIONS

In re Patent No. 5,998,735 :
Issue Date: December 7, 1999 :
Application No. 09/128,614 :
Filed: August 3, 1998 :
Title: Safety Device For An Electrical Outlet :

ON PETITION

This is a decision on the petition under 37 CFR 1.378(b), filed October 19, 2010, to accept the unavoidably delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b). **Any such petition for reconsideration must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f).** The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, the Director will undertake no further reconsideration or review of the matter.

A petition to accept the delayed payment of a maintenance fee under 35 USC 41(c) and 37 CFR 1.378(b) must be accompanied by (1) an adequate showing that the delay was unavoidable, since reasonable care was taken to insure that the maintenance fee would be paid timely, (2) payment of the appropriate maintenance fee, unless previously submitted, and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(1). This petition lacks item (3) above.

The Office is in receipt of \$1510.00. However, the 7.5 year maintenance fee is \$1,240 and the unavoidable surcharge is \$700.00. As such there is a \$270 shortage. It should be noted the merits of petitioner's argument to establish unavoidable delay (item 1) have **not** been considered.

The change of address has been entered.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
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Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office

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The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema Grant", with a stylized flourish at the end.

Charlema Grant
Attorney
Office of Petitions